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# A BILL FOR AN ACT

RELATING TO HOME CARE LICENSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that home care is a  
2 quickly expanding component of elderly care, largely because the  
3 overwhelming majority of the growing elderly population prefers  
4 to age in their homes in spite of disabilities they may have.  
5 Home care enables the aging population to remain in their homes  
6 by providing assistance with daily living activities and by  
7 providing other related in-home care. The public must be  
8 assured that home care agencies are meeting minimum standards  
9 when delivering care. Because many elderly live alone and are  
10 facing declining mental functions, the State must ensure that  
11 Hawaii's elderly population is receiving the highest quality  
12 care from home care providers.

13           In the special session of 2009, the legislature passed S.B.  
14 No. 415, S.D. 2, H.D. 1, C.D. 1, which was enacted as Act 21,  
15 Special Session Laws of Hawaii 2009. The purpose of Act 21 was  
16 to protect consumers of home care services by requiring home  
17 care agencies to be licensed. Act 21 designates the department



1 of health as the home care licensing agency. The department of  
2 health has collaborated with home care agencies, consumer  
3 advocates, and other stakeholders to draft the administrative  
4 rules needed to implement licensing. The drafted rules are in  
5 the last stage of the approval process.

6 The purpose of this Act is to:

- 7 (1) Extend by five years the repeal date of Act 21,  
8 Special Session Laws of Hawaii 2009, which requires  
9 home care agencies to be licensed by the department of  
10 health; and
- 11 (2) Appropriate funds to establish one full-time  
12 equivalent, permanent position in the department of  
13 health to facilitate the licensing of home care  
14 agencies; provided that it is not the intent of the  
15 legislature that the position be funded by moneys in  
16 the office of health care assurance special fund  
17 established by section 321-1.4, Hawaii Revised  
18 Statutes.

19 SECTION 2. Act 21, Special Session Laws of Hawaii 2009, is  
20 amended by amending section 8 to read as follows:



1 "SECTION 8. This Act shall take effect on July 1, 2009,  
2 and shall be repealed on June 30, [~~2014~~] 2019; provided that  
3 sections 321-11 and 321-11.5(b), Hawaii Revised Statutes, and  
4 the definition of "healthcare facility" in section 321-15.2,  
5 Hawaii Revised Statutes, shall be reenacted in the form in which  
6 they read on June 30, 2009."

7 SECTION 3. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$150,000 or so much  
9 thereof as may be necessary for fiscal year 2014-2015 for the  
10 establishment of one full-time equivalent (1.00 FTE) permanent  
11 position in the department of health to facilitate the licensing  
12 of home care agencies.

13 The sum appropriated shall be expended by the department of  
14 health for the purposes of this Act.

15 SECTION 4. Beginning with fiscal year 2015-2016 and each  
16 fiscal year thereafter, the department of health shall request  
17 funding for the permanent position that facilitates the  
18 licensing of home care agencies as part of its annual budget  
19 request to the director of finance.

20 SECTION 5. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



**1** SECTION 6. This Act shall take effect on June 29, 2014;  
**2** provided that section 3 shall take effect on July 1, 2014.



**Report Title:**

Home Care Licensing; Appropriation

**Description:**

Extends by five years the repeal date of Act 21, Special Session Laws of Hawaii 2009, which requires the department of health to license home care agencies. Appropriates funds to establish a full-time equivalent permanent position in the Department of Health to facilitate the licensing of home care agencies.

(HB2094 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

